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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MEDIOSTREAM, INC.,
Plaintiff,
vs.
MICROSOFT CORPORATION, et al.,
Defendants.

Case No.: 3:11-cv-02525 RS-JCS
and Order
**JOINT STIPULATION REQUESTING
EXTENSIONS OF TIME REGARDING
MOTIONS TO SEVER, MOTIONS FOR
SUMMARY JUDGMENT, AND
RESETTING OF CASE MANAGEMENT
CONFERENCE**

MEDIOSTREAM, INC.,
Plaintiff,
vs.
ACER AMERICA CORP., et al.,
Defendants.

STIPULATION

WHEREAS trial in this matter has been re-set for June 24, 2013, and the parties agree that further motion practice and decisions on pending motions should be deferred until next year;

WHEREAS, defendant Apple Inc. ("Apple") filed its Motion to Sever on July 5, 2012 (Dkt. No. 725), and briefing on that motion was complete as of August 9, 2012 (*see* Dkt. Nos. 763 and 778);

WHEREAS, defendants Sony Corporation and Sony Electronics Inc. (collectively "Sony") filed their Motion for Summary Judgment regarding obviousness on July 12, 2012 (Dkt. No. 734), and briefing on that motion was complete as of August 23, 2012 (*see* Dkt. Nos. 777 and 807);

WHEREAS, defendants Sony, Microsoft Corporation ("Microsoft"), Acer America Corporation ("Acer"), Gateway Inc. ("Gateway"), and Dell Inc. ("Dell") filed their Motion for Summary Judgment that MedioStream is Not Entitled to Damages Prior to the Date of Its First Alleged Marking ("Marking Motion") on August 15, 2012 (Dkt. No. 788);

WHEREAS, defendants Sony, Microsoft, Acer, Gateway, and Dell filed their Motion for Summary Judgment of No Willfulness ("Willfulness Motion") on August 15, 2012 (Dkt. No. 791);

WHEREAS, defendant Microsoft Corporation filed its Motion to Sever for Trial on August 3, 2012 (Dkt. No. 769), plaintiff MedioStream responded to Microsoft Corporation's Motion to Sever for Trial on August 23, 2012 (Dkt. No. 805), and defendants Sony and Asus Computer International ("ACI") filed a non-opposition to Microsoft Corporation's Motion to Sever for Trial on August 23, 2012 (Dkt. No. 806);

WHEREAS, the current deadline for plaintiff MedioStream, Inc. ("MedioStream") to respond to the Marking Motion is August 29, 2012;

WHEREAS, the current deadline for plaintiff MedioStream to respond to the Willfulness Motion is August 29, 2012;

1 WHEREAS, the current deadline for Defendant Microsoft to reply in support of its Motion
2 to Sever for Trial is August 30, 2012;

3 WHEREAS, the current deadline for defendants Sony, Microsoft, Acer, Gateway, and Dell
4 to reply in support of their Marking Motion is September 5, 2012;

5 WHEREAS, the current deadline for defendants' Sony, Microsoft, Acer, Gateway, and
6 Dell to reply in support of their Willfulness Motion is September 5, 2012;

7 WHEREAS, the current date for hearing Apple's Motion to Sever and Microsoft's Motion
8 to Sever for Trial is September 6, 2012;

9 WHEREAS, the current date for hearing Sony's Motion for Summary Judgment regarding
10 obviousness, the Marking Motion, and the Willfulness Motion is September 27, 2012;

11 WHEREAS, a Case Management Conference is presently set for September 6, 2012;

12 NOW THEREFORE, it is stipulated by and between MedioStream and defendants that:

- 13 1. MedioStream shall have until January 4, 2013, to respond to the Marking Motion
14 and the Willfulness Motion;
- 15 2. Defendants Sony, Microsoft, Acer, Gateway, and Dell shall have until January 17,
16 2013, to reply in support of the Marking Motion and the Willfulness Motion;
- 17 3. Defendant Microsoft shall have until January 17, 2013 to reply in support of its
18 Motion to Sever for Trial;
- 19 4. Defendant Apple may file a notice pursuant to Civil L.R. 7-7(b) continuing the
20 original hearing date on its Motion to Sever to January 31, 2013, at 1:30 p.m.;
- 21 5. Defendant Microsoft may file a notice pursuant to Civil L.R. 7-7(b) continuing the
22 original hearing date on its Motion to Sever to January 31, 2013, at 1:30 p.m.;
- 23 6. Defendants Sony, Microsoft, Acer, Gateway, and Dell may file a notice pursuant to
24 Civ. L.R. 7-7(a) continuing the original hearing date on the Marking Motion and the
25 Willfulness Motion to January 31, 2013, at 1:30 p.m.;
- 26 7. Defendant Sony may file a notice pursuant to Civ. L. R. 7-7(b) continuing the
27 original hearing date on its motion for summary judgment regarding obviousness to
28 January 31, 2013, at 1:30 p.m; and
8. The next Case Management Conference will be set for January 31, 2013, at 1:30pm.

- 1 9. Except as provided herein, the parties agree not to engage in discovery or other
2 litigation activity prior to the later of (1) a decision by the Board of Patent Appeals
3 and Interferences in Appeal No. 2012-006989 or (2) January 1, 2013.

4 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

5 Dated: September 2, 2012

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SIGNATURE ATTESTATION

Pursuant to General Order 45, section X.B., I attest that I have obtained consent to file for all signatures indicated by the mark “/s/” within this electronically filed document.

/s/ Mark C. Scarsi

MARK C. SCARSI

Counsel for Defendant Apple Inc.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 9/4, 2012



The Honorable Richard Seeborg
United States Judge